

SECRETARY OF TRANSPORTATION OR THE STATE OR ANY LOCAL GOVERNING BODY DESIGNATES AS A HAZARDOUS MATERIAL;

~~(V) IS OWNED OR OPERATED BY A RESIDENT OF THE DWELLING UNIT AND HAS NO EMPLOYEES, AGENTS, OR CONTRACTORS ON THE PREMISES OTHER THAN A RESIDENT OF THE DWELLING UNIT; AND~~

~~(VI) DOES NOT HAVE ANY CUSTOMERS OR INVITEES VISITING THE PREMISES.~~

(b) (1) ~~This section does~~ THE PROVISIONS OF THIS SECTION RELATING TO FAMILY DAY CARE HOMES DO not apply to a condominium that is limited to housing for older persons, as defined under the federal Fair Housing Act.

(2) THE PROVISIONS OF THIS SECTION RELATING TO NO-IMPACT HOME-BASED BUSINESSES DO NOT APPLY TO A CONDOMINIUM THAT HAS ADOPTED, PRIOR TO JULY 1, 1999, PROCEDURES IN ACCORDANCE WITH ITS COVENANTS, DECLARATION, OR BYLAWS FOR THE REGULATION OR PROHIBITION OF NO-IMPACT HOME-BASED BUSINESSES.

(c) (1) Subject to the provisions of subsections (d) and (e)(1) of this section, a recorded covenant or restriction, a provision in a declaration, or a provision of the bylaws or rules of a condominium that prohibits or restricts commercial or business activity in general, but does not expressly apply to family day care homes OR NO-IMPACT HOME-BASED BUSINESSES, may not be construed to prohibit or restrict:

(i) The establishment and operation of family day care homes OR NO-IMPACT HOME-BASED BUSINESSES; or

(ii) Use of the roads, sidewalks, and other common elements of the condominium by users of the family day care home.

(2) Subject to the provisions of subsections (d) and (e)(1) of this section, the operation of a family day care home OR NO-IMPACT HOME-BASED BUSINESS shall be:

(i) Considered a residential activity; and

(ii) A permitted activity.

(d) (1) (i) Subject to the provisions of paragraphs (2) and (3) of this subsection, a condominium may include in its declaration, bylaws, or rules and restrictions a provision expressly prohibiting the use of a unit as a family day care home OR NO-IMPACT HOME-BASED BUSINESS.

(ii) A provision described under subparagraph (i) of this paragraph expressly prohibiting the use of a unit as a family day care home OR NO-IMPACT HOME-BASED BUSINESS shall apply to an existing family day care home OR NO-IMPACT HOME-BASED BUSINESS in the condominium.

(2) A provision described under paragraph (1)(i) of this subsection expressly prohibiting the use of a unit as a family day care home OR NO-IMPACT HOME-BASED BUSINESS may not be enforced unless it is approved by a simple